

Attorney's Docket: 2003DE119
Serial No.: 10/560,095
Group: 1624

REMARKS

The Office Action mailed August 19, 2009, has been carefully considered. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-12 are pending in this Application. By this Amendment, claims 6-12 have been cancelled without prejudice to filing a divisional there upon. Also, claims 3-5 have been cancelled while claims 1 and 2 have been amended.

Response to Election/Restriction

As the Office will note above, the non-elected claims have been cancelled.

Priority

The Office states that the application claims the foreign priority date of 6/11/2003. However, a certified English version of the foreign priority document was not received. Attached hereto is a certified English version of the foreign priority document.

Specification

The Office states it is recommended "that structure of formula 1 be inserted into the abstract to cure the deficiency." By this amendment, formula 1 has been inserted into the abstract.

Arrangement Of The Specification

The Office puts forth that 35 CFR § 1.77(b) provides the guidelines that are suggested in the arrangement of the specification.

The Office also states "the chemical formula that are embraced by formulas II-V are not legible (see pages 2 and 3 and throughout the specification where appropriate. The Examiner can not interpret whether the bonds linking these moieties to the pyrazine core are single/double bonds or represents the point of attachment."

By this Amendment, formulas II-V have been deleted from the claims. Moreover, it is respectfully contended that one with ordinary skill in the art would immediately recognize that in formulas II-V that the double bonds linking these moieties to the pyrazine core are points of attachment. In view thereof, it is respectfully contended that any objections to the arrangement of the specification have been overcome.

Claim Rejections Under 35 USC § 112, Second Paragraph

The Office states that claims 1-5 stand rejected under 35 USC § 112, second paragraph as being indefinite. The Office then reiterates the Office's position that the chemical structures represented by formulas II-V can not be readily be interpreted. For all the reasons advanced with respect to the comments concerning the arrangement of the specification is respectfully contended that the 35 USC § 112, second paragraph rejection have been overcome.

Claim Rejection Under 35 USC § 112, First Paragraph

The Office find that the specification is enabling for compounds where substituent "A" is a moiety of formula (a), (c), or (f) (wherein X = O, R_{6,7}=H or C₁-C₂₅ alkyl, and R₁₁ = H). The Office finds that the specification does not reasonably provide enablement for the other compounds that Applicants are claiming.

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By this Amendment, claims 1 and 2 have been amended reciting the compound that the Office finds enabled by this Specification. In view thereof, it is respectfully contended the 35 USC § 112, first paragraph rejection have been overcome.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,



Anthony A. Bisulca
Attorney for Applicant
Registration No. 40,913

(CUSTOMER NUMBER 25,255)

Clariant Corporation
Industrial Property Department
4000 Monroe Road
Charlotte, North Carolina 28205
Phone: (704) 331-7151
Fax: (704) 331-7707